

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

SUFFOLK COUNTY PLANNING COMMISSION SUMMARY OF REGULARLY SCHEDULED MEETING

Jennifer Casey
Chairwoman

Sarah Lansdale, AICP
Commissioner

Date: February 1, 2023
Time: 2:00 p.m.
Location: Zoom Meeting

Members Present (14)

Lasheca Lewis – Town of Babylon
John Coverdale – Town of Brookhaven
David Doty – Town of East Hampton
Jennifer Casey – Town of Huntington
Timothy McCarthy – Town of Islip
John Condzella – Town of Riverhead
Elizabeth Galle – Town of Shelter Island
John Finn – Town of Smithtown
Daniel Flynn – Town of Southampton
Thomas McCarthy – Town of Southold
Lisa Perry – Villages Over 5,000
Michael Kaufman – Villages Under 5,000
Errol Kitt – At Large
Stephanie Baldwin – At Large

Members Not Present (1)

Kevin Gershowitz – At Large

Staff Present (6)

Sarah Lansdale - Commissioner
Andrew Freleng – Chief Planner
Theodore Klein – Principal Planner
John Corral - Environmental Projects Coordinator
William O'Brien – Research Analyst
Michael Camacho – Assist. County Attorney (Commission Counsel) then

Call to Order - The Suffolk County Planning Commission meeting of February 1, 2023 was called to order by Chairwoman Jennifer Casey at 2:05 p.m.

The Pledge of Allegiance

Adoption of Minutes - Motions to adopt the January 4th Meeting Minutes was made by Commission member McCarthy, seconded by Commission member Kaufman, vote to approve; 11 ayes, 0 nays, 0 abstentions.

Public Portion – There were four members of the public that requested time to speak to the Commission regarding referrals to the Planning Commission.

Chairperson's Report – Chairperson Jennifer Casey stated that there's some educational events coming up in the next week or 2 through Touro. It's sponsors to the ABA. It will help satisfy education requirements for all the Commission members. The Chair indicated that there's probably about 4 days of events and there is a small cost for it, but there's some really interesting lectures, and stated she be moderating one of the hot topics and that there will be speakers from all over the country.

Guest Speakers – George W. Hubbard, Mayor for the Village of Greenport, along with **Joseph W. Prokop**, Attorney for the Village of Greenport: gave presentation in support of Village's proposed Local Law creating a Six Month Moratorium on Development in the Waterfront Commercial, Retail Commercial and General Commercial Zoning Districts, providing clarification in response to the Commission's staff report and answered Commission member questions relating to the Village's proposal.

Section A14-14 thru A14-25 of the Suffolk County Administrative Code

- **Motor Parkway Associates, LLC** – The application referred by the Village of Islandia was withdrawn after requesting several adjournments, and no further action
- **Village of Greenport**, Moratorium on development in the WC, CR & CG zoning districts – The application is referred by the Incorporated Village of Greenport Board of Trustees, received on January 9, 2023 - the Commission's jurisdiction for review is that the application is a zoning action, amendment to a local law and/or a moratorium, also is adjacent to a shoreline. The subject referral is for a proposed six month moratorium on development in the WC Waterfront Commercial, CR Retail Commercial and CG General Commercial zoning Districts (Local Law of 2023 Creating Section 150-51). As noted in the referral, for a period of six months no application for the construction, development, or use of any property in the subject zoning districts shall be accepted or considered and no development approval regarding any property located in said districts shall be considered or granted by the Planning Board, Zoning Board of Appeals, or the Board of Trustees.

The staff report recommended disapproval of proposed Local Law of 2023; Section 150-51 of the Greenport Village Code creating a six-month moratorium on development in the WC Waterfront Commercial, CR Retail Commercial and CG General Commercial zoning districts of the Village of Greenport and gave three reasons: 1. The proposed moratorium is too broad in its goals for the six to twelve month time frame and has the potential to be prolonged beyond several years; 2. There are not specific findings of fact that confirm the necessity of the action or how serious and urgent these circumstances are; 3. No finding in the moratorium discusses that there are no other alternatives, less burdensome on property rights than a moratorium.

Section A14-14 thru A14-25 of the Suffolk County Administrative Code (continued)

- **Village of Greenport** (continued)

After deliberation the Commission deems the referred Village of Greenport Moratorium to be Incomplete until the following is submitted through the offices of the municipal referring agency: 1. Number of applications pending before the Village Board of Trustees, Planning Board and Zoning Board of Appeals (ZBA), et al; 2. Clarifying informational findings supporting the need for the moratorium including any trend analysis (pre & post COVID19 Pandemic) of applications indicating a need for the moratorium; 3. Possible alternatives to the moratorium considered; 4. It is the preference of the Suffolk County Planning Commission for the shortest possible time frame for a moratorium. The moratorium should be awarded to include a three (3) month progress update with Suffolk County Planning Commission.

The motion to deem the referral incomplete pending submission of clarifying information supporting the moratorium was made by commission member Kaufman. The motion was seconded by Commission member Doty, vote to deem Incomplete; 11 ayes, 3 nays (Condzella, Finn, and Timothy McCarthy), 0 abstentions.

Other Commission Business

- **Andrew Freleng**, Chief Planner with Suffolk County Department of Economic Development and Planning; gave a description of a referral known as **Liberty Gardens** referred to the Commission by the Town of Southampton, there is not staff report since the staff returned it back to the Town for 'Local Determination'; however as it is an important project which highlights housing development on the East End. Mr. Freleng informed the Commission that the Liberty Gardens application is currently before the Town of Southampton for a change of zone to go from Residence R 20 to the Multi-Family 44 zoning classification, a change from 2 units to the acre to allow up to 60 units of supported housing development that would be 100% affordable that will have a percentage of units set aside for the developmentally disabled, as well as a number of units set aside for veterans. The proposed project is adjacent to County Road, 39, so one of the main issues with regard to this is going to be traffic impacts and access to County Road 39.
- **Adoption of Meeting Calendar** – Chairwoman Casey informed the Commission that the Commission's 2023 Meeting Schedule was sent out to the members with two changed dates with one on Tuesday April 3rd and another on Thursday July 5th. All tentative scheduled as remote Zoom with hopefully some in-person opportunity. Commission member Kaufman made the motion to adopt the Commission schedule as presented, seconded by Commission member Lewis; and approved unanimously.
- **Adoption of Rules of Proceedings** – Staff offered some proposed amendments of the existing Rules of Proceedings and with counsel's coordinated input, Commission member Kaufman made a motion to adopt the amended 2022 Rules of Proceedings as the 2023 Rules of Proceedings. The motion to adoption of the 2023 Rules of Proceedings of Proceedings was seconded by Commission member Galle; and approved unanimously.

Other Commission Business (continued)

- **2022 Election of Officers** - Chairwoman Casey deferred to the 2023 Nominating Committee Chair, Commission member Condzella, who announced the Nominating Committee had a thoughtful discussion regarding the leadership of the commission and made a motion that the nominees for Commission officers are as follows; Timothy McCarthy for Second Vice Chair, Michael Kaufman for Vice Chair and Jennifer Casey for Chair of the Suffolk County Planning Commission. The motion to nominate the committee's slate of officers was seconded by Commission member Perry; and voted for approval unanimously.
- **Timothy McCarthy**, the Planning Commission's Energy Committee Chair stated that the Committee met early in the day, discussed 'battery storage' and the relative zoning codes with the intent to develop a 'model code' for battery energy storage. Also the Committee intends to do further work on the Commission's model code for solar energy in coordination with **Lisa Broughton**, Director of Energy for Suffolk County, indicated that NYSERDA is available to address the Commission regarding solar and battery storage energy model codes in upcoming meetings.
- Chairwoman Casey indicated that the next Commission meeting is to be held on Wednesday, March 1st at 2 p.m. via Zoom.
- Motion to adjourn meeting by Commission member Kaufman, motion was seconded by Commission member Kaufman, approved unanimously.